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8 **IN THE UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 PHILADELPHIA INDEMNITY INSURANCE
COMPANY, a Pennsylvania Corporation;

11 Plaintiff,

12 vs.

13 FIVE STAR RESTAURANTS, LLC, a Nevada
limited liability company; WESTBURY
14 MANOR ENTERPRISES, Inc. a Delaware
foreign business corporation; VINCENT
15 SCOTTO, an individual; MICHELINA
SCOTTO, an individual; DOE INDIVIDUALS 1
16 through 10, inclusive; ROE BUSINESS
ENTITIES 11 through 20, inclusive;

17 Defendants.
18

Case No.: 2:17-cv-00871-APG-PAL

**STIPULATION AND [PROPOSED]
ORDER VACATING SETTLEMENT
CONFERENCE**

19 Plaintiff, Philadelphia Indemnity Insurance Company (“Philadelphia”), by and through its
20 attorneys, The Faux Law Group, and Five Star Restaurants, LLC, Westbury Manor Enterprises,
21 Inc., Vincent Scotto, and Michelina Scotto (the “Indemnitors”), through its attorneys, Brownstein
22 Hyatt Farber Schreck, LLP, hereby stipulate and jointly request the following:

- 23 1) This matter is related to an underlying lawsuit called *Five Star Restaurants, LLC v.*
24 *Thomas Contracting & Development LLC dba TCD Construction, et al.*, in the Eighth
25 Judicial District Court, Case No. A-16-747417-C (the “Underlying Action”).
26 2) The third parties in the Underlying Action consented to participate in the settlement
27 conference but were not available on the appointed day of January 4, 2019.
28

- 3) Despite reasonable, good faith effort, the Parties were not able to find a date where all parties in this action, the Underlying Action, and the Court were all available for a settlement conference.
- 4) Without the attendance of the parties in the Underlying Action, settlement will not be possible.
- 5) Therefore, the Parties request that the Settlement Conference set for January 4, 2019 at 9:30 a.m. be vacated.

DATED this 21st day of December, 2018.

DATED this 21st day of December, 2018.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

THE FAUX LAW GROUP

By: /s/ Travis F. Chance
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*Attorneys for Defendants Five Star
Restaurants, LLC; Westbury Manor
Enterprises, Inc.; Vincent Scotto; and
Michelina Scotto*

*Attorneys for Plaintiff Philadelphia Indemnity
Insurance Company*

IT IS SO ORDERED:

DATED this 26th day of December, 2018.


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

The undersigned, an employee of The Faux Law Group, hereby certifies that on the 21st day of December, 2018, I served a copy of the foregoing document, **STIPULATION AND [PROPOSED] ORDER VACATING SETTLEMENT CONFERENCE** by electronically filing in the CM/ECF system addressed to:

<p>Adam K. Bult, Esq. Travis Chance, Esq. Brownstein Hyatt Farber Schreck, LLP 100 N. City Parkway, Suite 1600 Las Vegas, NV 89106 <i>Attorney for Five-Star Restaurants, LLC, Westbury Manor Enterprises, LLC, Vincent Scotto, and Michelina Scotto</i></p>

By: /s/ Jordan F. Faux
 An Employee of THE FAUX LAW GROUP